

REMARKS

Claims 1-19 are pending. By this Amendment, claims 1, 4, 18 and 19 have been amended. Reconsideration based on the above amendments and following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner LeRoux and Supervisory Patent Examiner Metjahic in the February 5, 2003 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. The Claims Define Allowable Subject Matter

The Office Action rejects of claims 1, 2, 4 and 6-9 under 35 U.S.C. §102(b) over U.S. Patent No. 5,508,834 to Yamada et al. (hereinafter "Yamada"); claim 5 under 35 U.S.C. §103(a) over Yamada in view of U.S. Patent No. 5,865,521 to Hashizume et al. (hereinafter "Hashizume"); claims 3 and 10 under 35 U.S.C. §103(a) over Yamada in view of U.S. Patent No. 3,910,682 to Arai et al. (hereinafter "Arai"); claims 11-13 under 35 U.S.C §103(a) over Yamada in view of U.S. Patent No. 5,868,485 to Fujimori et al. (hereinafter "Fujimori 485"); rejects claims 14-16 and 19 under 35 U.S.C. §103(a) over U.S. Patent No. 6,007,205 to

Fujimori (hereinafter "Fujimori 205") in view of Yamada; rejects claim 17 under 35 U.S.C. §103(a) over Fujimori in view of Yamada and further in view of Arai; and rejects claim 18 under 35 U.S.C. §103(a) over Yamada in view of Fujimori 205. These rejections are respectfully traversed.

Regarding independent claims 1 and 4, as pointed out at the February 5, 2003 personal interview, Yamada does not disclose, teach or suggest "a transparent plate bonded to, and in contact with, substantially the entire at least one surface of the optical modulation device", as recited in claim 1, or "a transparent plate formed on a light emitting surface of said optical modulation device, the transparent plate formed on, and in contact with, substantially the entire light emitting surface of said optical modulation device" as recited in claim 4. This feature is shown at least in Figs. 6A and 6B of the application.

Yamada fails to disclose or suggest this feature. Instead, in Yamada, as shown in Figs. 5 and 6, each of the transparent cover members 6 and 7 is attached only at the top and bottom of the one surface of the liquid crystal cell 1. Thus, in Yamada, the transparent cover members are not bonded to, and in contact with, substantially the entire at least one surface of the liquid crystal cell.

For at least these reasons, it is respectfully submitted that independent claims 1 and 4 are patentable over the applied art. Claims 2 and 6-9, which depend from claims 1 and 4, respectively, are likewise patentable over the applied art for the reasons discussed above. Withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

Regarding the rejection of claims 3 and 5-13 under 35 U.S.C. §103(a), neither Hashizume, nor Arai or Fujimori 485, provide the deficiencies in Yamada discussed above with respect to claims 1 and 4. Thus, Applicants submit that claims 3 and 5-13, which depend from independent claims 1 and 4, respectively, are likewise patentable over the

applied art for at least the reasons discussed above. Withdrawal of the rejection of claims 3 and 5-13 under 35 U.S.C. §103(a) is respectfully requested.

Regarding the rejection of independent claims 18 and 19 under 35 U.S.C. §103(a), the combination of Yamada and Fujimori 205 does not teach or suggest a projector having a transparent plate bonded to, and in contact with, substantially the entire length of a light emitting surface of an optical modulation device, as set forth in claims 18 and 19.

Instead, as discussed above, in Yamada, as shown in Figs. 5 and 6, each of the transparent cover members 6 and 7 is attached only at the top and bottom of the one surface of the liquid crystal cell 1. Further, neither Fujimori 205 nor Yamada provide any motivation to modify their structure to achieve the claimed invention.

Thus, Applicants submit that claims 18 and 19 are patentable over the applied art for at least the reasons discussed above. Withdrawal of the rejection of claims 18 and 19 under 35 U.S.C. §103(a) is respectfully requested.

Regarding claims 14-17, Fujimori 205 in combination with Yamada does not teach or suggest a "partition having a transparent plate fitted in a light incident window corresponding to a light incident surface of at least one optical modulation device", as recited in independent claim 14.

The Office Action, at page 6, admits that Fujimori 205 does not teach or suggest a transparent plate fitted in a light incident window. However, the Office Action attempts to make up for the shortcomings of Fujimori 205 by asserting that Yamada, in Figs. 5 and 6 makes up for this deficiency. The assertion is respectfully traversed.

Yamada, as disclosed at col. 3, line 58 to col. 4, line 39, and shown in Figs. 5 and 6, is directed to a liquid crystal cell that may be used in an active matrix LCD device. Figs. 5 and 6 simply illustrate a schematic cross-sectional view of the liquid crystal cell 1. Contrary to the Office Action's assertion, nowhere in Yamada there is taught or suggested a transparent plate

fitted in a light incident window, as recited in independent claim 14. Applicants respectfully request that Examiner explicitly point out where this entire feature is taught in Yamada.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Contrary to well settled case law, the Office Action is now engaging in impermissible hindsight reconstruction of the invention set forth in claim 14 using Applicants' claim structure as a template and selecting elements from references to fill the page. There is nothing in either Fujimori 205 or Yamada to teach or suggest the recited feature a "partition having a transparent plate fitted in a light incident window corresponding to a light incident surface of at least one optical modulation device", as recited in independent claim 14.

For at least the reasons discussed above, Applicants submit that claim 14 is patentable over the applied art. Claims 15-17, which depend from claim 14, are likewise patentable over the applied art for at least the reasons discussed above. Withdrawal of the rejection of claims 14-17 under 35 U.S.C. §103(a) is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

George P. Simion
Registration No. 47,089

JAO:GPS/dmw

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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